

FORM PTO-1390
(REV. 11-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

30435.73USWO

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

09/856104

INTERNATIONAL APPLICATION NO.
PCT/US00/25299INTERNATIONAL FILING DATE
15 September 2000PRIORITY DATE CLAIMED
17 September 1999TITLE OF INVENTION HUMAN INFLAMMATORY BREAST CARCINOMA XENOGRFT CAPABLE OF
LYMPHOVASCULAR INVASION AND METHODS FOR ITS USE

APPLICANT(S) FOR DO/EO/US

Sanford H. Barsky, Mary L. Alpaugh, and James S. Tomlinson

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
 2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
 3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
 4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
 5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
 6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
 7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
 8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
 9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
 10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).
- Items 11 to 20 below concern document(s) or information included:**
11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
 12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
 13. ☐ A **FIRST** preliminary amendment.
 14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
 15. ☐ A substitute specification.
 16. ☐ A change of power of attorney and/or address letter.
 17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
 18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
 19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
 20. ☒ Other items or information:
 - Verified Statement Claiming Small Entity Status

U.S. APPLICATION NO. (if known) 09/856104 INTERNATIONAL APPLICATION NO. PCT/US00/25299

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3043573USWD

21. ☒ The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):**

Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO. \$1000.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$860.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$710.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$690.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

CALCULATIONS PTO USE ONLY

50	0.494
180	

\$ 710.00

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

\$

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total claims	54 - 20 =	34	x \$18.00	\$ 612.00
Independent claims	13 - 3 =	10	x \$80.00	\$ 800.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$270.00	\$ 270.00

TOTAL OF ABOVE CALCULATIONS =

\$ 2392.00

☒ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.

\$ 1196.00

SUBTOTAL =

\$ 1196.00

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492(f)).

\$

TOTAL NATIONAL FEE =

\$ 1196.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

\$

TOTAL FEES ENCLOSED =

\$ 1196.00

Amount to be refunded:

\$

charged:

\$

- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0494. A duplicate copy of this sheet is enclosed.
- d. ☒ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

William J. Wood
 Gates & Cooper LLP
 6701 Center Drive West, Suite 1050
 Los Angeles, California 90045

SIGNATURE

William J. Wood

NAME

42,236

REGISTRATION NUMBER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JG08 PCT/PFO

09/856104

16 MAY 2001

Applicant(s): Sanford H. Barsky, Mary L. Alpaugh, and James S. Tomlinson
 Docket: 30435.73USWO
 Title: HUMAN INFLAMMATORY BREAST CARCINOMA XENOGRAFT CAPABLE OF LYMPHOVASCULAR INVASION AND METHODS FOR ITS USE

CERTIFICATE OF MAILING UNDER 37 CFR 1.10

'Express Mail' mailing label number: EL816010033US

Date of Deposit: May 16, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service 'Express Mail Post Office To Addressee' service under 37 CFR 1.10 and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

By: Darlene Ross

Name: Darlene Ross

BOX PCT

Commissioner for Patents
 Washington, D.C. 20231

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal sheet, in duplicate, containing Certificate Of Mailing Under 37 CFR 1.10.
- ☒ Form PTO-1390: TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371.
 The fee has been calculated as shown below in the "Claims as Filed" table.
- ☒ Verified statement to establish small entity status
- ☒ A signed Combined Declaration and Power of Attorney
- ☒ PTO-2038 Credit Card Payment Form in the amount of \$1,196 to cover the Filing Fee.
- ☒ Return postcard

CLAIMS AS FILED

Number of Claims Filed	In Excess of:	Number Extra	Rate	Fee
Basic Filing Fee				\$355.00
Total Claims				
54	20	34	x \$9.00 =	\$306.00
Independent Claims				
13	3	10	x \$40.00 =	\$400.00
MULTIPLE DEPENDENT CLAIM FEE				\$135.00
TOTAL FILING FEE				\$1,196.00

Please charge any additional fees or credit overpayment to Deposit Account No. 50-0494. A duplicate of this sheet is enclosed.

GATES & COOPER LLP

Howard Hughes Center
 6701 Center Drive West, Suite 1050
 Los Angeles, CA 90045
 (310) 641-8797

By: W. J. Wood

Name: William J. Wood

Reg. No.: 42,236

Initials: WJW/dr